

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,  
TEXAS, OCTOBER 3, 2006, 7:00 P.M.**

The City Council of the City of Leon Valley, Texas, met for a Regular City Council Meeting on the 3<sup>rd</sup> day of October 2006 at 7:00 p.m., at the Leon Valley City Council Chambers, for the purpose of the following business, to-wit:

**Call to Order and Pledge of Allegiance.**

Mayor Riley called the meeting to order and asked that the minutes reflect that the following members of Council were present: Maloy, Reyna, Semmelmann, Dean and Rangel.

City Manager Brummett, City Secretary Feutz, Community Development Director Smith, Fire Chief Irwin, Human Resources Officer Suzanne Schendel, Deputy Fire Marshal Valdez, and City Attorney Jacobson were also present.

Mayor Riley asked members of Boy Scout Troop 911 to lead the Pledge of Allegiance. Mayor Riley thanked Troop Master Forest Campbell, parents and members of Troop 911 for their participation.

**Consider approval of minutes of the Special City Council Meeting of September 18, 2006 and the Regular City Council Meeting of September 19, 2006.**

A motion was made by Councilman Semmelmann, seconded by Councilmember Reyna, to approve the minutes of the Special City Council Meeting of September 18, 2006 and the minutes of the Regular City Council Meeting of September 19, 2006 as presented. Upon vote, the motion carried unanimously.

**Proclamation declaring the week of October 8-14, 2006 as Fire Prevention Week.**

Mayor Riley proclaimed the week of October 8-14, 2006 as Fire Prevention Week in Leon Valley and encouraged citizens to "Prevent Cooking Fires, Watch What You Heat", the message for the 2006 Fire Prevention Week. She presented the proclamation to Deputy Fire Marshal Luiz Valdez. Marshal Valdez explained that the Fire Department would be visiting the local elementary schools and day care centers to remind children about fire safety measures and would also have a fire prevention poster contest with students.

**Proclamation declaring the month of October 2006 as National Crime Prevention Month.**

Mayor Riley proclaimed the month of October 2006 as Crime Prevention Month in Leon Valley and urged all citizens and businesses to work together to make Leon Valley a safer, stronger, more caring community. She presented the proclamation to Police Chief Randall Wallace. Chief Wallace reminded all residents that they could obtain a free crime prevention inspection of their home from Lt. Reyes and reported that a Crime Prevention Meeting had been held a few weeks earlier to encourage residents' participation in neighborhood watch and other crime prevention activities.

**Citizens to Be Heard and Time for Objections to the Consent Agenda.**

Mayor Riley asked Council if they wished for any Consent Agenda items to be removed for further discussion. Councilmember Rangel asked that Consent Agenda items numbered seven

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(7), nine (9) and ten (10) be removed to further discussion. Hearing no other requests, Mayor Riley asked if anyone in the audience wished to address Council.

Troop Master Forest Campbell thanked Mayor Riley and the City Manager for answering questions from the scouts before the formal Council meeting and for meeting with them.

Resident Cynthia Rangel, 5900 El Verde Road, addressed Council about three subjects: tall grass and weeds in the Huebner Creek drainage ditch behind residences along El Verde Road, mosquito control in the same area, and the need for upgrades to improve El Verde Road. City Manager Brummett stated that he would look into the issues.

Mayor Riley asked if anyone else wished to address Council; seeing no one, she asked for a motion on Consent Agenda Items number six (6) and number eight (8).

**Consent Agenda**

**6. Consider M&C # 10-01-06 with attached ordinance - Budget Adjustment for expenditure authority for Economic Development Department, Community Development Department and the Business Office to provide additional funding for salaries.**

**8. Consider M&C # 10-03-06 with attached ordinance - Request by Al Eisman, property owner, for a permit extension of Specific Use Permit #05-242.**

A motion was made by Councilman Reyna, seconded by Councilman Dean, to approve the Consent Agenda Items numbered six (6) and eight (8) as listed on the Consent Agenda. Upon vote, the motion carried unanimously.

**Consent Agenda - for discussion**

**Consider M&C # 10-02-06 with attached ordinance - Revisions to Chapter 32, "Schedule of Fees", Section 32.1300, "Sign Permit Fees", to add a permit fee for Temporary Weekend Signs.**

Community Development Director Melinda Smith addressed Council stating that recent revisions to the City Code Chapter 5 "Signs" approved earlier by Council, added a new type of temporary sign called "Temporary Weekend Signs". Although the sign designation was included in the Code, permit fees must be added to the City Code Chapter 32, "Schedule of Fees" in order for fees to be collected.

Answering questions from Council, Ms. Smith indicated that the Code Enforcement Officer would be working a flexible schedule to monitor signs that are put up over the weekend. She also explained that they would be marking signs so that permitting could be monitored until stickers for signs can be funded in the FY 2007 Budget. She explained that a sign map will be submitted with the sign permit application indicating where the temporary weekend signs will be placed.

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A motion was made by Councilmember Semmelmann, seconded by Councilmember Rangel, to approve the revisions to City Code Chapter 32, "Schedule of Fees" to add a permit fee for Temporary Weekend Signs as presented. Upon vote, the motion carried unanimously.

**Consider M&C # 10-04-06 with attached ordinance - repealing ordinance number 04-001  
"Creating a City Marshal Service".**

Chief Wallace explained that with staffing changes in early 2006, City Marshals were transferred from under the direction of the Court Administrator to under the direction of the Police Chief. He noted that this Council action, if approved, would complete the reassignment of the City Marshal Service to the Police Department.

Councilmember Rangel expressed his concerns about enforcement of warrants after normal business hours. Chief Wallace stated that he would review the issue with the City Manager.

A motion was made by Councilmember Reyna, seconded by Councilmember Maloy, to repeal Ordinance Number 04-001. Upon vote, the motion carried unanimously.

**Consider M&C # 10-05-06 with attached ordinance - repealing and replacing City Code Chapter 20 "Police Department" to create a new Chapter 20 "Police Department" and providing for penalties of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00).**

Police Chief Randall Wallace stated that the proposed action was to update City Code Chapter 20, "Police Department." He explained that the changes to the Code would update legal references, add a separate section to include the Reserve Officer program and change the fine amount for violations of the section to be in compliance with State mandates. City Attorney Jacobson explained that the penalty under this Code allows the Municipal Court Judge to set the fine to be not less than \$1.00 nor more than \$500.

Following discussion, a motion was made by Councilmember Semmelmann, seconded by Councilmember Dean to approved M&C # 10-05-06, with attached ordinance, repealing and replacing City Code Chapter 20, "Police Department" and providing penalties. Upon vote, the motion carried unanimously.

**Regular Agenda**

**Public Hearing to consider SUP # 06- 254 with attached ordinance - a request by F. Morales O'Horan, applicant, to allow operation of a "Funeral Home" to be located at 6537 Bandera Road, being Lot 9, Block 7, CB 9925A, Seneca Estates Subdivision Unit #5.**

Community Development Director Smith addressed Council stating that Specific Use Permit (SUP) #06-254 was a request by F. Morales O'Horan, applicant, to allow operation of a "Funeral Home" to be located at 6537 Bandera Road. Ms. Smith reviewed the platting and zoning history of the B-2 (Retail) zoned property at the Seneca Estates Shopping Center, and described the zoning of surrounding properties. Ms. Smith reported that 22 letters were mailed to property owners within 200-feet and two letters were returned in favor of the case, one was returned opposed to the case and no letters were returned as undeliverable.

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Zoning Commission Chair Leo Gorman reported that on September 26, 2006, the Zoning Commission considered Specific Use Permit Case No. 06-254 and voted seven to zero to recommend approval of the case with the following conditions: there will be no: on-site embalming, cremation, body preparation, body warehousing, hearses, limousines, nor motorcades and no more than twenty-five persons can assemble at one time at any service held on-site.

Applicant F. Morales O'Horan explained that he had four other locations in San Antonio, the closest to Leon Valley was in Castle Hills. Mr. O'Horan explained that he has been in this business for thirty years and that the business has a central location in San Antonio, near Kirby, where body preparation is handled. He further stated that most of his services are held at gravesites or at churches. He stated that about 2% of the time services are held at his business site. He explained that his business retails funeral supplies and is licensed by the State.

Mayor Riley opened the public hearing at 7:41 p.m.

Resident Walter Geraghty addressed Council for clarification on the restrictions that are not allowed at the proposed funeral home and asked for a projection of the number of funeral services that would be held each year at the site. Applicant Horan indicated the he estimated about 100-150 services per year would be held at the site using a special funeral care transport truck to deliver the prepared body. Development Director Smith explained that if the applicant wishes to add activities that were restricted under prohibited conditions under this Specific Use Permit Case, the applicant would have to apply for a new Specific Use Permit.

After asking if anyone else wished to address Council and seeing no one, Mayor Riley closed the public hearing at 7:48 p.m.

Councilmember Semmelmann asked what if a family rented a limousine outside of the services offered by the funeral home, and City Attorney Jacobson answered that in that case the limousine would be allowed as it was not a service provided by the funeral home.

Following discussion, a motion was made by Councilmember Maloy, seconded by Councilmember Rangel, to approve Specific Use Permit Case No. 06-254 to include the specific conditions as recommended by the Zoning Commission to disallow any on-site embalming, cremation, hearses, limousines, motorcades, on-site body preparation or warehousing, and no more than 25 persons in attendance at any service held on-site. Upon vote, the motion carried unanimously.

**Public Hearing to consider to consider recommendations from the Zoning Commission for proposed changes to City Code Chapter 30, "Zoning Code".**

Community Development Director Melinda Smith informed Council that the Zoning Commission had completed their review and recommended revisions for the proposed 2006 Zoning Code, along with input from the staff, the City Inspector and City Engineer. She informed the Council that the proposed Code was reviewed by two land use legal firms and by Professor David Pugh. Ms. Smith provided a summary of the proposed changes: format was revised to create a more readable and user-friendly document; definitions were updated in the Code; sections were added for developers and businesses to easily find the procedures for the application and process; the "additional regulations table" was deleted; the "Permitted Use Table" was updated

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to delete some Specific Use Permit requirements; regulations were updated for accessory buildings, outside storage, lighting and landscaping in each zoning district; the new MX-1, "mixed use" zoning district was added; setbacks were updated; and pictorial figures were added for each zoning district section for height, area and yard dimensions. Ms. Smith added that parking requirements were updated; Specific Use Permit (SUP) requirements for new construction would change so that a SUP would be required when the new construction would directly abut residential zoning districts; the use "Church" was moved to the B-3 (Commercial) zoning district; and the Zoning Commission and Board of Adjustment duties were revised. Ms. Smith stated that Council was being given copies of the proposed Zoning Code and a public hearing would be scheduled for November 7, 2006 when Council would be asked to consider approving the proposed changes to the Zoning Code.

Mayor Riley complimented staff for the work that was done to update the Code. She then opened the public hearing to hear comments from the audience at 8:00 p.m. No one came forward and Mayor Riley closed the public hearing at 8:02 p.m.

Council asked that a copy of the proposed code be placed in the Library for the public to review. Councilmember Maloy asked that the Economic Development Director review the code for any issues between economic development and the Zoning Code's proposed changes. Mayor Riley reminded everyone that on November 7, 2006, Council would take action on the proposed Zoning Code changes.

**Public Hearing to consider M&C # 10-06-06 with attached ordinance - to consider recommendations of Capital Improvements Advisory Committee on Land Use Assumptions, the Capital Improvement Plan and Impact Fees.**

Community Development Director addressed Council defining impact fees and explaining how impact fees are developed. She explained the requirements of the Texas Local Government Code for the collection of impact fees, periodic review of land use assumptions and the Capital Improvements Plan. Ms. Smith stated that on September 26, 2006, the Zoning Commission met as the Capital Improvements Advisory Committee (CIAC) and held a public hearing. She stated that at that meeting the CIAC recommended that the land use assumptions, Capital Improvements Plan and impact fees remain as they are now. She stated that if Council agrees with the CIAC recommendation, then a notice of "Determination Not To Update Land Use Assumptions, Capital Improvement Plan or Impact Fees" will be published in the newspaper to advise the public, and if after 60 days if no written protests are received, the "determination" is approved.

Following Council discussion, Mayor Riley opened the public hearing for comments from the audience at 8:10 p.m. No one came forward to address the Council; therefore, Mayor Riley closed the public hearing at 8:12 p.m.

A motion was made by Councilmember Rangel, seconded by Councilman Reyna, to accept the recommendations of the Capital Improvements Advisory Committee on Land Use Assumptions, the Capital Improvement Plan and Impact Fees. Upon vote, the motion carried unanimously.

**Consider M&C # 10-07-06 - Revisions to Chapter 24, "Subdivision and Plats", Sections 24.400 b. "Additional Regulations", and adding Section 24.400 h.; revising Section 24.601**

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**“Applicable Standards and Specifications”, g. “Utility Lines”, and revising Section 24.601  
i.3. “Money in Lieu of Land”, to add paragraph C.**

Community Development Director Smith addressed Council explaining that the requested revisions to City Code Chapter 24, “Subdivisions and Plats” are recommended to address concerns from City Council and residents regarding installation of sidewalks, to revise utility placement regulations in new developments, and to provide criteria for accepting money in lieu of parkland dedication. Ms. Smith stated that revisions to Section 24.400 “Additional Regulations” do not remove the requirement for sidewalks, but allows the issuance of permits until a cumulative value of permitted work reaches \$5,000 before prohibition of any additional permits is activated which will remain in effect until the sidewalk requirement is met. She stated that under Section 24.601 “Applicable Standards - Utility Lines”, the recommended changes will mandate that utility lines in new subdivisions be placed underground and allow overhead utilities in existing lots where the cost of underground conversion would be prohibitive. She noted that under Section 24.601.i.3 “Money in Lieu of Land”, addresses the issue of fair market value appraisals for land in the immediate vicinity of a new subdivision to be used in determining how much money is owed to the City for parkland and allowing the City to be compensated at current market prices.

Following Council discussion, a motion was made by Councilmember Maloy, seconded by Councilmember Rangel, to approve the recommended revisions to City Code Chapter 24, “Subdivision and Plats” as presented. Upon vote, the motion carried unanimously.

**Consider M&C # 10-08-06 - Request by the Leon Valley Police Department for city  
sponsorship of police training at the Conference Center.**

Police Chief Wallace addressed Council asking for the City to waive the fees associated with the rental of the Conference Center for a 3-day police training initiative to be held with the South Texas High Intensity Drug Trafficking Area (HIDTA) force. He stated that Leon Valley Police Officer participation in the training has been very limited in the past due to the shortage of training space with HIDTA. Chief Wallace stated that using the Leon Valley Conference Center for the training sessions will allow at least eight Leon Valley Police Officers to attend the course, along with certified peace officers from the Fire Department. Chief Wallace stated that the total cost of waiving the fees associated with the center use was: \$2,850 for rental and deposits. He stated that the Police Department would be responsible for cleaning up the facility at the end of each day and security fees were not necessary as the event was being held during business hours.

A motion was made by Councilmember Semmelmann, seconded by Councilmember Dean, to approve the request for City sponsorship of the police training and waive all fees for use of the Conference Center. Upon vote, the motion carried unanimously.

**City Manager’s report.**

City Manager Hank Brummett addressed Council correcting something that was said at the last Council meeting regarding the sidewalk construction contract. He stated that the contract and bid did not include six hundred feet (600') of sidewalk along Evers Road; the bid specifications had to be changed to meet the money budgeted for the project in FY 2006. Mr. Brummett stated the bid and contract will address sidewalk construction of two hundred and fifty feet of

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sidewalk on Forest Grove and adjusting the ADA accessible ramp at Evers and Seneca. He stated that the City will try to do the additional six hundred feet (600') of sidewalk construction along Evers Road with in-house construction during the year, if possible. Mr. Brummett also announced that the bid opening held earlier in the day for the CDBG Bandera Road sidewalk project had at least one bid within the amount budgeted for the project.

Discussion by Council continued regarding the placement of the sidewalk next to the curb versus allowing some green space between the curb and the sidewalk edge.

**Citizens to be heard.**

Mayor Riley asked if anyone from the audience would like to address Council.

Resident Leo Gorman addressed Council recommending sidewalks along Wurzbach be placed away from the edge of the curb.

Seeing no one else, Mayor Riley asked for announcements from Council.

**Announcements.**

Councilmember Rangel thanked everyone for their prayers for his successful hip surgery. He also expressed his concerns about police and fire responses during emergencies at local schools. Councilmember Rangel announced that another San Antonio-area service member was killed in action and he asked that the flags at City Hall be lowered to half-staff when services are conducted for the service member. He also asked that a tree ordinance be formulated.

Councilmember Semmelmann expressed his concerns about prime land in Leon Valley diminishing and the impact of larger population and more traffic in Leon Valley on our EMS service delivery. He asked Council to consider the need to act to acquire additional space for the Fire Department. He recommended a needs assessment be done to determine what the City will need in the future for adequate space.

Councilmember Maloy complimented the Community Development Department staff and the Zoning Commission for the work in developing the proposed Zoning Code and also expressed her concerns about available land space for a possible new Fire Department in the future. She also reminded everyone about the October 14<sup>th</sup> Trade and Market Days.

Mayor Riley announced that she had participated in a full scale disaster exercise with the Fire Department and other City departments on September 20<sup>th</sup>. She reminded everyone about a Cultural Arts Fair to be held at the Library on October 8<sup>th</sup>. She announced that interviews would be held on October 9<sup>th</sup> and 10<sup>th</sup> for candidates for the City Manager position at Special City Council Meetings. She announced that the Historical Society of Leon Valley would hold their "Annual Bloomin' Onion" event on October 27, 2006. Mayor Riley also announced that the public comment meeting with the EPA regarding the Bandera Road Contaminated Water Plume was being rescheduled tentatively to November 2, 2006 at the Conference Center.

**Convene into executive session in accordance with the Texas Government Code, Section 551.071, "Consultation with Attorney" to discuss possible litigation regarding contract**

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**terms of former City Manager and Section 551.074, "Personnel Matters" to discuss the  
City Manager Selection.**

Mayor Riley announced that the City Council would convene into executive session in accordance with the Texas Government Code, Section 551.071, "Consultation with Attorney" to discuss possible litigation regarding contract terms of former City Manager and under Section 551.074, "Personnel Matters" to discuss the City Manager Selection" at 8:40 p.m.

**Reconvene into open session.**

Mayor Riley reconvened the meeting into open session at 9:45 p.m.

**Consider discussion and any action as appropriate from executive session.**

No discussion or action took place.

**Adjourn.**

A motion was made by Councilmember Reyna, seconded by Councilmember Maloy, to adjourn the meeting. Upon vote, Mayor Riley announced the meeting adjourned at 9:46 p.m.

Chris Riley  
\_\_\_\_\_  
Mayor

ATTEST:

Marie Feutz  
\_\_\_\_\_  
City Secretary

*Passed and approved by City Council at the Regular City Council Meeting of October 17, 2006.*